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Date: 25 02 2025

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL-IN REQUEST.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(WALES) ORDER 2012 – DIRECTION UNDER ARTICLE 18(1)
PROPOSED FOODSTORE AT LAND AT BRIDGE HOUSE FARM, LLANMAES ROAD,
LLANMAES, LLANTWIT MAJOR – APPLICATION NO. 2022/00907/FUL**

With reference to your minute of 23 January 2025 concerning the above, the relevant issues raised by this planning application are as follows:

Context

- This is a full application for a Class A1 foodstore. The proposed store will be approximately 2000 sqm of floorspace, of which 1250 sqm is designated for retail sales. The store will be 78 meters wide, 32 meters deep, with a maximum height of 8 meters; the site will also include 122-bay parking area, and delivery vehicle servicing area. Access will be off Llanmaes Road.
- The site is located near the junction of Llanmaes Road and the Llantwit Major Bypass (B4265). It is outside the settlement boundary as identified in the Vale of Glamorgan Local Development Plan 2011-2026, and therefore classified as countryside. The Llantwit Major settlement boundary lies south of the bypass.
- The Officer Report recommends the application be refused (for the reasons set out below). The Vale of Glamorgan Planning Committee were minded to approve the application against officer recommendation. The application is to be reported again to planning committee (likely 13th February).

National Planning Policy

- Future Wales and Planning Policy Wales support a plan led approach to development and site allocation. Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- Planning Policy Wales (PPW) requires retail and commercial centres to be identified in development plans.
- Future Wales and PPW support a town centre first approach to retail development and other uses complementary to a town or commercial centre.

- Planning authorities should adopt a sequential approach when determining planning applications for retail and other complementary town centre uses (PPW 4.3.18). When locating new retail development, first preference should be within a retail and commercial centre defined in the development plan hierarchy of centres. If no such sites are available, consideration can be given to edge of centre sites, and if these are unavailable only then should out of centre sites be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered (PPW 4.3.19).
- Retail developments outside designated retail and commercial centres, and not located on an allocated site, can impact the viability and vibrancy of a centre (PPW 4.3.25). Individual or cumulative impacts may affect turnover and trading ability, consumer choice, traffic and travel patterns, and footfall. Retail needs test should be applied where appropriate to assess quantitative and qualitative need. Within defined retail and commercial centre boundaries or sites allocated in a development plan retail need does not need to be demonstrated. It is not the role of the planning system to restrict competition between retailers within designated centres.
- Edge of centre or out of centre sites should be accessible by a choice of public and private modes of travel. New out of centre retail developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community (PPW 4.3.20).
- Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. New building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. Minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. New development should be of a scale and design that respects the character of the surrounding area.
- PPW (Chapter 2 and 3 - Placemaking) states that planning authorities should adopt a placemaking approach to plan making, planning policy and decision making. Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process. The location of housing, employment and leisure and other facilities should be planned to help reduce the need to travel. Walking, cycling and public transport are prioritised to provide a choice of transport modes and avoid dependence on private vehicles, and public transport stations and stops are positively integrated. Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest. The countryside must be conserved and, where possible, enhanced for the sake of its... landscape and agricultural value. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors.

- PPW (Chapter 6) states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings (which might extend beyond its curtilage).
- PPW 6.1.15 states there is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds
- PPW Chapter 6 explains that development should not cause any significant loss of habitats or populations of species, and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems. Development should not cause the loss of land of Class 1, 2 or 3a.
- TAN 23 states that the planning system recognises, and gives due weight to, the economic benefits associated with new development. Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. The decision in each case will depend on the specific circumstances and the planning authority's priorities.

Officer's Report

The Officer Report states that:

- the proposal lies in the countryside outside the defined settlement boundary.
- LDP Policy MD1 'Location of New Development' ensures that development on unallocated sites does not negatively impact the countryside and supports the role of key settlements in providing essential facilities.
- LDP Policy SP6 aims to enhance the vitality and attractiveness of the Vale's town and district centres and to make effective use of vacant floorspace and refurbishment of properties. LDP provision is made for 3,495 sqm (net) of new convenience retail floorspace. The Report indicates the site falls outside of the defined town and district centres and is not identified within the identified additional floor space adopted under Policy SP6, nor does it use vacant floorspace or refurbishment of property.
- the applicant's Retail and Planning Statement asserts that they have demonstrated quantitative and qualitative need for the development, found no other suitable sites during the sequential test, the site is well located and accessible by a choice of means of transport and would not be overly reliant on the private car for access, Llantwit Major is vital and viable, and that there is no evidence of unacceptable impact on trade, turnover, vitality, and viability of centres.
- the Council's appointed retail consultant Nexus determined there is both a qualitative and quantitative need for a new foodstore in Llantwit Major, some existing trade is leaking to other centres, that Llantwit Major Centre is healthy with low vacancy rates

and good footfall, and there are no suitable, viable, and available sites closer to the town centre for the proposed development. They consider that Llantwit Major does not have a main food shopping destination. Nexus did consider there would be significant impact on existing food stores with Co-op and Filco losing circa 22.4% and 32.8% respectively, and in relation to the centre as a whole approximately 11.9%. However, Nexus considered these impacts would not result in an unacceptable impact as defined under LDP Policy MG13 and that existing stores would remain viable.

- overall, on the basis of the information available and the conclusions of the Council's appointed consultants, the proposals would broadly comply with the provisions of Policy MG13 and that of PPW in terms of demonstrating capacity and the sequential test. While there will be an impact on Llantwit Major Town Centre and specific retailers, it is not deemed sufficient to represent an unacceptable impact on trade or turnover.
- the proposal would result in the buildings massing being visually evident and out of character with the smaller built elements in the area. The parking area and urban elements such as acoustic screens, would further detract from the rural setting. The development would introduce prominent illuminated elements, a large parking area, a footpath and cycleway altering the rural character. The Llanmaes Conservation Area boundary is approximately 75 metres to the north of the site at its closest point. The proposal would therefore introduce urban features impacting the rural character and Conservation Area negatively. The proposals would likely have significant detrimental impact upon the character of the countryside, the Llanmaes Conservation Area and result in the coalescence of Llantwit Major and Llanmaes and therefore does not comply with the LDP.
- the site is mainly Grade 4 and 3B agricultural land. Consequently, the loss of this land does not constitute a reason to deny planning permission and would be in accord with the LDP. The proposal is acceptable in terms of flood risk.
- the impact of the proposed development on biodiversity and habitat has been assessed against LDP policy MD9 and PPW Chapter 6 and are considered to comply with their provisions.
- the applicant estimates a 12 minute walk time from Llantwit Major Centre. Local bus service availability is 80m and 250m away. The site is not considered to be overly or unacceptably reliant on the private car. An improved crossing and junction to support those not travelling by car is proposed. The proposal would be acceptable in terms of highway safety and in compliance. The applicant would contribute to provision and/or enhancement of off-site sustainable transport facilities and services.
- a recommendation of refusal is made on the basis of unacceptable impact upon the appearance and character of the countryside and incongruity with the surrounding area. The proposal would result in an unacceptable urbanising form of development that would result in the confluence of the settlements of Llanmaes and Llantwit Major and be detrimental to the setting of the Llanmaes Conservation Area. As such the proposals would be at odds with Policies MD1, MD2 and MD8 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Advice

The Officer's Report has assessed the application and given due regard to the appropriate local and national planning policy in making its recommendation.

The Officer Report concludes that the application whilst complying with LDP policy in relation to the sequential approach, retail needs assessment and impact assessment, fails with regard to visual impact on rural character and the Conservation Area, and in relation to preventing the possible coalescence of settlements.

The criteria for considering call in are - in conflict with national planning policies, wide effects beyond the immediate locality, may give rise to substantial controversy beyond the immediate locality, significant impact on environment or areas of landscape importance, raise issues of national security; or raise novel planning issues.

The proposal does not appear to conflict with the sequential approach to development or retail assessment criteria or suggest potential wide or significant effects beyond the local area or be either controversial or novel in nature. However, the proposal is considered to raise issues that may be in conflict with aspects of national planning policy. In particular, location of development in the countryside away from the urban form, landscape impact, placemaking in terms of sustainable location, provision of a choice of transport modes, reducing carbon emissions, reducing the need to travel and avoiding dependence on private vehicles, and effect on the setting of a Conservation Area.

On balance, based on the information above, I recommend **call in**.